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Attorneys for Michael Malekzadeh

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL MALEKZADEH, et al.

Defendants.

Case No. 6:22-cr-00262-MC

**PETITION TO ENTER PLEA OF
GUILTY, CERTIFICATE OF
COUNSEL, AND ORDER ENTERING
PLEA**

1. My name is Michael Malekzadeh. I am 42 years old. I completed high school and have a Bachelor of Science from the University of Oregon.

2. My attorneys are David Angeli, Michelle Holman Kerin, and Joanna Perini-Abbott of Angeli & Calfo LLC.

3. I have discussed the case fully with my attorneys. I have received a copy of the Information filed in this matter. I have read the Information and discussed it with my attorney. My attorneys have counseled and advised me concerning the nature of the charges, any lesser-included offenses, and the possible defenses that I might have in this case. It is my intent to plead GUILTY

to Counts 1 and 2 of the Information, which charge me with Wire Fraud in violation of Title 18, United States Code, Section 1343 and Conspiracy to Commit Bank Fraud, in violation of Title 18, United States Code, Section 1349.

I understand the elements of Count 1 of the Information, Wire Fraud, are as follows:

First, I knowingly participated in or devised a scheme or plan to defraud, or a scheme or plan for obtaining money or property by means of false or fraudulent pretenses, representations, half-truths, or promises;

Second, the statements made as part of the scheme were material; that is, they had a natural tendency to influence, or were capable of influencing, a person to part with money or property;

Third, I acted with the intent to defraud, that is, the intent to deceive and cheat; and

Fourth, I used, or caused to be used, an interstate or foreign wire communication to carry out or attempt to carry out an essential part of the scheme.

I understand the elements of Count 2 of the Information, Conspiracy to Commit Bank Fraud, are as follows:

First, that two or more people in some way or manner agreed to try to accomplish a common and unlawful plan to commit Bank Fraud, as charged in the Information; and

Second, that I knew the unlawful purpose of the plan and willfully joined in it

I have had a full and adequate opportunity to disclose to my attorney all facts known to me that relate to my case. I understand that the Court may ask whether I am satisfied with the advice I have received from my attorney.

4. I know that if I plead "GUILTY," I will have to answer any questions that the judge asks me about the offenses to which I am pleading guilty. I also know that if I answer falsely, under oath, and in the presence of the attorney, my answers could be used against me in a prosecution for perjury or false statement.

5. I am not under the influence of alcohol or drugs. I am not suffering from any injury, illness or disability affecting my thinking or my ability to reason except as follow: N/A. I have not taken any drugs or medications within the past seven (7) days that could affect my thinking or my ability to reason except as follows: N/A.

6. I understand that a conviction of a crime can result in consequences in addition to imprisonment. Such consequences may include deportation, or removal from the United States, or denial of naturalization, if not a United States citizen; loss of eligibility to receive federal benefits; loss of certain civil rights (which may be temporary or permanent depending on applicable state or federal law), such as the right to vote, to hold public office, and to possess a firearm; and loss of the privilege to engage in certain occupations licensed by state or federal governments.

7. I know that I may plead "NOT GUILTY" to any crime charged against me and that I may persist in that plea if it has already been made. I know that if I plead "NOT GUILTY" the Constitution guarantees me:

- a. The right to a speedy and public trial by jury, during which I will be presumed to be innocent unless and until it is proven guilty by the government beyond a reasonable doubt and by the unanimous vote of twelve jurors;
- b. The right to have the assistance of an attorney at all stages of the proceedings;

- c. The right to use the power and process of the Court to compel the production of evidence, including the attendance of witnesses in my favor;
- d. The right to see, hear, confront, and cross-examine all witnesses called to testify against me;
- e. The right to decide for myself whether to take the witness stand and testify, and if I decide not to take the witness stand, I understand that no inference of guilt may be drawn from this decision; and
- f. The right not to be compelled to incriminate myself.

8. I know that if I plead "GUILTY" there will be no trial before either a judge or a jury, and that I will not be able to appeal from the judge's denial of any pretrial motions I may have filed concerning matters or issues not related to the Court's jurisdiction.

9. In this case, I am pleading "GUILTY" under Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure. My attorney has explained the effect of its plea under Rule 11(c)(1)(B) to be as follows: The Court is not bound by the sentencing recommendations of the parties or of the Presentence Report (PSR) writer. I know I may not withdraw its guilty plea or rescind my plea agreement if the Court does not follow the agreements or recommendations contained in that agreement.

10. I know the maximum sentence which can be imposed upon me for Count 1 of the Information, Wire Fraud, is 20 years' imprisonment, and a fine of \$250,000 or twice the gross pecuniary gains or losses resulting from the offense if such an amount exceeds \$250,000. The maximum sentence for Count 2, Conspiracy to Commit Bank Fraud, is 30 years' imprisonment, a fine of \$1,000,000, five years of supervised release, and a \$100 fee assessment.

11. I know that the judge, in addition to any other penalty, will order a special assessment of \$100 per count of conviction.

12. I know that if I am ordered to pay a fine, and I willfully refuse to pay that fine, I can be returned to court, where the amount of the unpaid balance owed on the fine can be substantially increased by the judge.

13. My attorney has discussed the Federal Sentencing Guidelines. I know the Guidelines are advisory, not mandatory. I also knows the sentencing judge, in determining the particular sentence to be imposed, must consider the factors set forth in Title 18, United States Code, Section 3553(a), including but not limited to: the nature and circumstances of the offense, my own history and characteristics, the goals of sentencing (punishment, deterrence, protection and rehabilitation) and the sentencing range established by the advisory Guidelines. If my attorney or any other person has calculated a guideline range, I know that this is only a prediction and that it is the judge who makes the final decision as to what the guideline range is and what sentence will be imposed. I also know that a judge may not impose a sentence greater than the maximum sentence referred to in paragraph 10, above.

14. I know from discussions with my attorney that, under the Federal Sentencing Guidelines, if I am sentenced to prison, I am not entitled to parole. I will have to serve the full sentence imposed except for any credit for good behavior that I earn. I can earn credit for good behavior in prison at a rate of up to 54 days for each year of imprisonment served. Credit for good behavior does not apply to a sentence of one year or less.

15. I know that if I am sentenced to prison, the judge will impose a term of supervised release to follow the prison sentence. During my supervised release term, I will be supervised by a probation officer according to terms and conditions set by the judge. In my case, a term of

supervised release can be 1 to 3 years. If I violate the conditions of supervised release, I may be sent back to prison.

16. I know that in addition to or in lieu of any other penalty, the judge can order restitution payments to any victim of any offense to which I plead guilty. I have also been informed that, for certain crimes of violence and crimes involving fraud or deceit, it is mandatory that the judge impose restitution in the full amount of any financial loss or harm caused by an offense. If imposed, a victim can use an order of restitution to obtain a civil judgment lien. A restitution order can be enforced by the United States for up to twenty (20) years from the date of release from imprisonment, or, if I am not imprisoned, twenty (20) years from the date of the entry of judgment. If I willfully refuses to pay restitution as ordered, a judge may resentence me to any sentence which could originally have been imposed.

17. On any fine or restitution in an amount of \$2,500 or more, I know that it will be required to pay interest unless that fine or restitution is paid within fifteen (15) days from the date of the entry of judgment.

18. If I am on probation, parole, or supervised release in any other state or federal case, I know that by pleading guilty in this court that my probation, parole or supervised release may be revoked and I may be required to serve time in that case, which may be consecutive, that is, in addition to any sentence imposed on me in this court.

19. If I have another case pending in any state or federal court, I know that this Petition and Plea Agreement in this case do not, in the absence of an express and written agreement, apply to any other case, and that I can be faced with consecutive sentences of imprisonment.

20. My plea of "GUILTY" is based on a Plea Agreement that I have made with the prosecutor. The Plea Agreement is attached hereto and incorporated herein. I have read the Plea Agreement and understand it.

21. The Plea Agreement letter dated March 19, 2025, which has been presented to the Court, contains the only agreements between the United States government and me. No officer or agent of any branch of government (federal, state or local) or anyone else has promised or suggested that I will receive a lesser term of imprisonment, or probation, or any other form of leniency if I plead "GUILTY" except as stated in those documents. I understand that I cannot rely on any promise or suggestion made to me by a government agent or officer which is not stated in writing in those documents, or which is not presented to the judge in its presence in open court at the time of the entry of my plea of guilty.

22. My plea of "GUILTY" is not the result of force, threat, or intimidation.

23. I hereby request that the judge accept my plea of "GUILTY" to Counts 1 and 14 of the Information.

24. I know that the judge must be satisfied that a crime occurred and that I committed that crime before my plea of "GUILTY" can be accepted. With respect to the charges to which I am pleading guilty, I represent that the facts as set forth in the Plea Agreement letter are true.

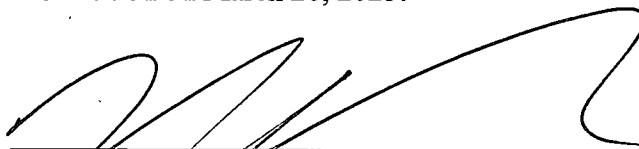
25. I offer my plea of "GUILTY" freely and voluntarily and of my own accord, with a full understanding of the allegations set forth in the Information, and with a full understanding of the statements set forth in this Petition and in the Certificate of my attorneys that is attached hereto.

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SIGNED by me in the presence of my attorney, after reading (or having had read to me)
all of the foregoing pages and paragraphs of this Petition on March 20, 2025.



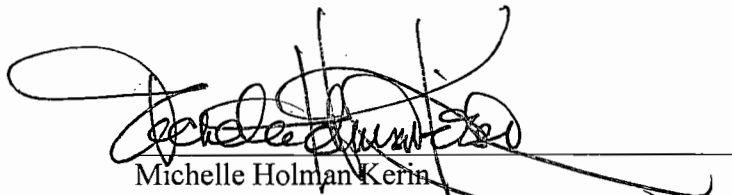
MICHAEL MALEKZADEH
Defendant

CERTIFICATE OF COUNSEL

The undersigned, as attorney for defendant MICHAEL MALEKZADEH, hereby certifies:

1. I have fully explained to the defendant the allegations contained in the Information in this case, any lesser-included offense(s), and the possible defenses which may apply in this case.
2. I have personally examined the attached Petition to Enter Plea of Guilty and Order Entering Plea, explained all its provisions to the defendant, and discussed fully with the defendant all matters described and referred to in the Petition.
3. I have explained to the defendant the maximum penalty and other consequences of entering a plea of guilty as described in the Petition, and I have also explained to the defendant the applicable Federal Sentencing Guidelines.
4. I recommend that the Court accept the defendant's plea of "GUILTY."

SIGNED by me, and after full discussion with the defendant of the contents of the Petition to Enter Plea of Guilty and the Plea Agreement, on this 11th day of March, 2025.




Michelle Holman Kerin
Attorney for Defendant Michael Malekzadeh

ORDER ENTERING PLEA

I find that the defendant's plea of GUILTY has been made freely and voluntarily and not out of ignorance, fear, inadvertence, or coercion. I further find the defendant has admitted facts that prove each of the necessary elements of the crime to which the defendant has pleaded guilty.

IT IS THEREFORE ORDERED that the defendant's plea of GUILTY be accepted and entered as requested in this Petition and as recommended in the Certificate of defendant's attorney.

DATED this 20 day of March, 2025, in open court.



Hon. Michael McShane
United States Judge